

Procedures for the Student Appeals Committee

Principles

- **Advice** Students are encouraged to seek independent and confidential advice from the Advice Service in Reading University Students' Union. http://www.rsu.co.uk/advice/academic_advice/.
 - **Fairness** The student will have a fair opportunity to present their appeal and will be provided with clear reasons for the outcome of each stage of the process.
 - **Confidentiality** Appropriate levels of confidentiality will be maintained.
 - **Reporting** Appeals will be recorded, anonymised and reported within the University.
 - **Reasonable adjustments** The University will make reasonable adjustments to the process where appropriate.
1. The Student Appeals Committee "the Committee" has the power and duty to consider appeals against decisions by:
 - i. Student Disciplinary Committee;
 - ii. Standing Committee on Academic Misconduct;
 - iii. Standing Committee on Academic Engagement and Fitness to Study;
 - iv. Standing Committee on Fitness to Practise;
 - v. The Dean of Postgraduate Research Studies under the Procedure for appeals against termination of registration resulting from non-submission of a thesis by the Maximum Registration Date;

A copy of the related policies can be found on the University website [here](#).

How to submit an appeal

2. If the student wishes to submit an appeal against a decision by a body set out in section 1, they must email an appeal statement to studentappeals@reading.ac.uk within the timeframe specified in the relevant procedure. If a timeframe is not specified in the relevant procedure, the student shall have five working days to submit an appeal.
3. The student will normally be expected to comply with the decision under the procedures listed in section 1, pending the resolution of an appeal. If the student appeals the penalty and the penalty is reduced, the University will not provide any compensation or any other remedy. The decision will be held by Governance and shared with appropriate staff.
4. The appeal statement shall set out the grounds for appeal. The student can appeal on the following grounds:
 - i) There has been a procedural error; or
 - ii) New and relevant evidence is available that was not known at the time; or
 - iii) The decision-making committee acted unreasonably, or the impact of the sanction imposed was unreasonably disproportionate.

Role of the Committee

5. **The Student Appeals Committee will not re-hear the case that has already been considered. Rather, the Committee will consider the appeal in accordance with the right of appeal set out in the procedure to which the matter relates, which will include whether there has been any failure of procedure and whether the decision reached was fair and reasonable in all of the circumstances.**
6. The Student Appeals Committee will have the power to:

Confirm the outcome decided by the original Committee

OR

- (a) *In respect of the Student Disciplinary Committee:*
Overturn the outcome and/or reduce the penalty decided by the Student Disciplinary Committee. If the Student Appeals Committee reduces the penalty, it will receive a copy of the relevant procedures and will impose an appropriate penalty set out in the relevant procedure.
- (b) *In respect of the Procedure for appeals against termination of registration for a postgraduate research degree resulting from non-submission of a thesis by the Maximum Registration Date:*
Overturn or vary the outcome decided by the original Committee.
- (c) *In respect of the Standing Committee on Academic Engagement and Fitness to Study, the Standing Committee on Fitness to Practise, and Standing Committee on Academic Misconduct:*
Overturn the outcome decided by the original Committee and refer the case back to the original Committee for reconsideration.

Note in relation to *committees specified in (c):*

The Student Appeals Committee will not make a professional determination on fitness to study and fitness to practise and, consequently, in its review it shall determine only whether the grounds presented are valid and sufficient for the decision of the Standing Committee on Academic Engagement and Fitness to Study or the Standing Committee on Fitness to Practise to be upheld or overturned.

In these instances, where the original decision is overturned the Student Appeals Committee shall refer the case back to the original Committee, notifying it of the grounds on which it believes the case should be re-considered. The Secretary of the Student Appeals Committee will notify the student, the School Director of Teaching and Learning or their delegate, and the Associate Pro-Vice Chancellor (or, in a case relating to a student at a branch campus, the Academic Director of Teaching and Learning), of the decision.

The Standing Committee on Academic Engagement and Fitness to Study or the Standing Committee on Fitness to Practise will then reconvene to hear the case for a second time in the light of the decision of the Student Appeals Committee. The normal appeals process will apply with the exclusion that the basis for the appeal must not be the same substantive matter as in the first appeal.

Membership of the Committee

7. The membership of the Committee will be: the Vice-Chancellor (Chair) or their nominee, a member appointed by the Council, two members appointed by the Senate and a RSU Student Officer. The Secretary will be the University Secretary or their nominee.

8. Before the appeal hearing

9. On receipt of the appeal statement, the Secretary will request a written response to the student's statement of appeal from the Committee responsible for imposing the penalty that the student wishes to appeal against. This will normally be the Chair of the relevant Committee, or a member of that Committee.

10. The Secretary will write to the student to invite them to the appeal hearing, normally at least five working days before the hearing. The student will be invited to attend the hearing on a specified date and time, and the hearing will be scheduled at the earliest opportunity. If the student demonstrates a good reason for being unable to attend in person, they may attend via telephone or video conferencing. For example, distance learners may attend via telephone or skype.

11. The student and the Committee shall receive a copy of the appeal file in advance of the meeting. This shall normally contain the following:

- the student's appeal statement;
- any evidence submitted by the student in support of his or her appeal;
- a written response to the student's appeal statement as described in section 8 of this procedure;
- a copy of all documents considered by the relevant Committee when the penalty was imposed;
- a copy of the procedures that have been applied;
- Other documents may also be included where appropriate.

11. In addition to this, the student shall normally be informed of the following in advance of the meeting:

- i. How to access advice from RSU Advice Service;
- ii. The composition of the Committee;
- iii. The student's right to be accompanied by a 'friend' which for this purpose is defined as: an adviser from Reading University Students' Union Advice Service team, a current member of staff of the University of Reading, a currently registered student of the University of Reading, or a University of Reading Students' Union Student Officer. A person who does not fall within these categories will not be able to act as a 'friend' unless otherwise agreed in advance by the Chair.

The role of the 'friend' is to support the student in preparation for the hearing; accompany the student at the hearing; the 'friend' may speak on the behalf of a student, with the permission of the Chair. It is not the role of the 'friend' to present the student's case on their behalf, except in the most exceptional circumstances. Disabled Students may also be accompanied by a Support Worker in addition to a 'friend', as appropriate to their needs.

- iv. The student has the right to request that one or more witnesses attend the meeting to attest to fact or to the student's character. The student must ask the Chair for permission in advance of the meeting and the Chair may request that this evidence be given in writing rather than presented in person at the hearing
- v. If the student has any special requirements to allow them to attend and/or participate fully in the hearing they should notify the Secretary in advance of the meeting so that the University can make appropriate reasonable adjustments.

12. The advice of the Head of Counselling and Wellbeing Service or an appropriate professional will be available in appropriate cases. Where a student does not consent to medical information being provided to the University, the investigation will proceed on the basis of the information available to the University at the time.

During the appeal hearing

13. The student and 'friend' and will normally be present throughout the Committee's hearing of evidence but the Chair may ask them to withdraw at any stage of the Committee's proceedings if the Committee wishes to consider privately any matter or point. If any person obstructs the proceedings, the Chair may require all or any of those present to leave the hearing.

14. The proceedings of the Committee will not be invalidated by the failure of the student or the 'friend' to attend the hearing or by their exclusion from the meeting.

15. The Committee has the power to adjourn a hearing for a reasonable period.
16. No act or ruling of the Committee will be invalidated by reason of vacancy in the Committee or by reason of absence, provided that the Committee will not proceed to consider any case unless a minimum of three of its members are present.

After the appeal hearing

17. After hearing the evidence, the Committee will consider the case without the student, "friend", and those staff involved in determining the original outcome, and will make a decision in accordance with paragraph 6 above.
18. The Secretary will normally provide an informal outcome to the student within 2 working days of a final decision being made by the Committee and will provide the formal outcome letter and minutes within 10 working days of the hearing.
19. The appeal to the Student Appeals Committee concludes the University's procedures, and will normally result in the issue of a Completion of Procedures Letter. If the student remains dissatisfied with the outcome of the procedures the student may submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint is eligible under the OIA rules. Students who wish to do so must submit a complaint to the OIA within twelve months of the date of the University's Completion of Procedures letter.

Procedural Matters

20. Confidentiality

It is the University's aim to deal with matters under these procedures sensitively and with due respect for the privacy of any individuals involved. All parties must treat as confidential any information communicated to them in connection with a matter which is subject to this procedure, subject to the need to seek appropriate advice and guidance. The University will, during or at the conclusion of the procedure, inform such members of its staff as it considers necessary, having due regard to all the relevant circumstances.

In cases where the University holds personal data relating to individuals as a result of this procedure, the University will comply with the provisions of the Data Protection Act 2018, and all associated legislation at all times. This includes, but is not limited to, ensuring that any personal data help on such individuals is:

- i) not excessive but relevant and limited to the purpose for which it is held;
- ii) held securely (and in accordance with the university policies);
- iii) not shared with any other third parties (unless this can be lawfully shared in accordance with data protection legislation); and
- iv) not held for longer than is necessary and in line with our retention schedules.

21. Audio/Visual Recordings

It is not the University's normal procedure for meetings or hearings to be recorded by either party unless there are exceptional reasons why this should be considered. However, from time to time there may be a request to record a meeting or hearing. The decision to do so will be taken by the Secretary in advance of the meeting. A recording may be made only where all parties agree to the use of recording.

22. Review

This procedure will be reviewed annually.

Version	Owner	Reviewed	Approved By	Approval Date	Effective From
1	Governance	Annually	UBTLSE	22/01/2021	Immediately